CHAPTER 10

SECTION 2 HAZARDOUS MATERIALS MANAGEMENT PROGRAM

10.2.1 PURPOSE

This section establishes responsibility and provides information and guidance for handling hazardous materials.

10.2.2 POLICY

APHIS facilities have the potential to receive, store, and distribute hazardous material (HM) or to generate hazardous waste (HW) from HM. While facilities/activities possessing HM may not generate HW, all HM in APHIS-controlled spaces will be considered potential HW. APHIS facilities or activities will acquire, store, and dispose of HM/HW in compliance with all appropriate local, State, and Federal regulations. HM/HW will be managed in a manner that minimizes adverse effects on human health and the environment while protecting the interests of the Agency. Considerations of health and safety will take precedence over those of short-term financial savings. Onsite disposal of HW via evaporation, incineration, burial, or introduction into sewer systems is specifically forbidden. A summary of authorities is included (Exhibit 10.1).

10.2.3 DEFINITIONS

A. **HM** are products or substances which have the potential to harm human health or damage the environment. Pesticides, laboratory chemicals, industrial materials, and some veterinary medications may be considered HM. Radioactive materials and radiation emitting equipment are covered under separate requirements and not considered HM for the purposes of this section. Medical and infectious wastes will be addressed in subsequent guidance.

B. **Solid waste** is any discarded material that is abandoned, inherently waste-like, or treated prior to recycling.

C. **HW** is a waste that may:

- Cause or contribute to an increase in mortality or an increase in irreversible, incapacitating illness.

- Pose a substantial hazard to human health or the environment when it is improperly treated, stored, transported, disposed of, or otherwise managed.

- Be any HM that is excess, surplus, or without value.

HW may be described as:

- o **Wastes** which possess the characteristics of being ignitable, corrosive, reactive, or toxic.

- o **Wastes** which are specifically named as hazardous (U list), acutely hazardous (P list), wastes from specific industrial sources (K list), nonspecific industrial sources (F list), or discarded commercial chemical products, container residues, and spill residues. HW/HM are listed in 40 CPR 261.33. A comprehensive list of the U and P materials from 40 CFR 261.33 can be obtained through the Printing, Distribution, and Mail Branch, or from the EPA web site; at http://www.epa.gov. Generation of F and K list materials by APHIS activities is not anticipated.

D. **Generator** is any person or site whose process produces a HW or whose first act (e.g., declaration as surplus, "discovering" on site) causes a waste to be subject to regulation.

E. **Transporter** is a licensed or permitted person engaged in the off-site transportation of hazardous waste by rail, air, highway, or water.

F. **Treatment** is any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any HW to neutralize the waste, recover energy or material resources from the waste, or render the waste nonhazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

G. **Storage** is the holding of HW for a temporary period, until it is treated, disposed of, or stored elsewhere.

H. **Disposal** is the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or HW into any land or water so that such waste (or any constituent thereof) may enter the environment or be emitted into the air or discharged into any water.

I. **Facility** is any APHIS-owned or operated site. Ownership means holding legal title to a site. An operator is the person responsible for the overall management of a facility. Operated sites are those which the Agency leases or occupies by some agreement with the owner.

10.2.4 RESPONSIBILITIES

A. The **Designated Agency Safety and Health Official** has been designated as the Environmental Pollution Control Coordinator **(EPCC)**. The **EPCC** has the responsibility of ensuring that APHIS-owned or operated facilities comply with all appropriate local, State, and Federal environmental protection and quality statutes.

The **EPCC** responsibilities also include the final determination on the disposition of all real and personal property that may become contaminated with HW. In some circumstances, contaminated items may be regulated as HW. Property management regulations must still be considered and complied with.

B. **Regional/Laboratory/Program Directors** will:

- Produce inventories of authorized potential HW. Only those authorized items will be-held in APHIS-controlled spaces. All APHIS program facilities or activities will produce annual inventories of HM held. Inventories will be reviewed at the appropriate regional/laboratory/program level by the Collateral Duty Safety and Health Officer (CDSHO) or other designated individuals to identify HM that may be transferred to correct local imbalances. Copies of inventories and disposal guidance requests and notifications of excess HM will be forwarded to the Safety, Health, and Environmental Staff (SHES).

- Certify that they have reviewed patterns of HM/HW use, storage, and disposal for all present and planned facilities or activities under their control and that all facilities/activities are (or will be) in compliance with applicable local, State, and Federal environmental protection and quality statutes. APHIS Form 164 may be used for this purpose (Exhibit 10.2). Issues of noncompliance or questions concerning compliance will be addressed to SHES.

- Designate a point of contact for communications with the EPCC and SHES. That individual may be the CDSHO.

- Review quarterly inventories of HM submitted by subordinate facility/activities for local imbalances.

- Identify excess HM for disposal.

- Provide Material Safety Data Sheets (MSDS) and appropriate container labeling for all HM.

- Provide specific, detailed disposal (for HM and empty containers) and spill control guidance for field programs. Minimally, such guidance will include the following elements:

  o Post the names and telephone numbers of points of contact at the facility perimeter entrance for the benefit of emergency responders.

  o Prepare an inventory of all HM held by location. APHIS Form 160-R should be used to maintain chemical inventories (Exhibit 10.3).

  o Provide firefighting and emergency response information.

- Notify facility/activity heads in the event of product recall/registration cancellation.

C. **Purchasing/Acquisition Officers** will:

- Request MSDS for all HM (including pesticides) that are acquired. Copies of MSDS will be provided with all HM requested by facilities/activities.

- Evaluate all property and planned acquisitions for HM/HW contamination or other potential environmental compliance liabilities.

- Insure that contracts for large HM purchases include, at a minimum, either buy-back or return provisions for the HM and empty containers.

- Notify requesting officials if buy-back or return provisions cannot be included in contracts.

D. **Facility/Activity Directors** will:

- Hold only authorized HM.

- Will evaluate the existing stocks and review planned acquisitions of HM.

- Provide annual inventories of HM to the regional/laboratory/program director or designated point of contact for communications with the EPCC.

- Minimize the amounts of HM held and HW generated.

- Consider the life cycle cost for each purchase and use of a HM in order to select materials with the minimum adverse impact on human health and the environment as well as the lowest cost to the Agency (e.g., a nonhazardous substitute for a HM may have a higher initial cost but lower disposal cost and may eliminate the need for personal protective equipment for employees or medical monitoring).

- Budget for the disposal of HM as HW based on realistic estimates of the waste generated for each use of a HM.

- Not accept donations of HM unless that material can be used in place of HM that would otherwise be purchased. The disposal of donated HM must still be included in operating budgets.

- Not accept unknown materials for product testing without specific knowledge of the identities and properties of the material (including MSDS). Additionally, indemnification for disposal must be included in any testing protocol or the unknown material should be returned to the originator.

- Develop HM spill prevention and control plans for all HM storage facilities that would prevent or minimize introduction of HM into the environment. Minimally, a spill prevention plan should include the following elements:

o Identification of HM (including storage locations and amounts held).

o Identification of potential routes of entry of those materials into the environment based on reasonable evaluation of work practices or materials use.

o Modifications in work practice, structural changes to facility, or acquisition of

spill control equipment.

o Inspections of storage areas.

o Appropriate employee training.

o Actual spill control plans.

- Provide for adequate storage of HM including temporary storage of pesticides in field programs. Storage is adequate if it is construction in such a manner as to prevent or minimize contamination of the environment in the event of an accidental discharge.

Storage should be a secured, covered site away from potential ground/surface water contamination and located on a barrier.

- Contact SHES to initiate all requests for HW generator identification numbers and air or water discharge permits.

- Notify the EPCC of any actions that may alter the environmental compliance status of any program or field facility/activity.

- Utilize recyclable storage containers for HM in field programs, e.g., metal tanks or drums rather than plastic.

- Comply with all "Community Right-to-Know" requests for inventories of HM.

- Identify a HW coordinator for facilities/ activities which generate HW on a periodic basis.